

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.114

CRWP-4651-2020

Date of decision:-10.7.2020

Manisha Devi and another

...Petitioners

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Kamaljeet Kaur, Advocate for the petitioners.

Mr. Raj Kapoor Malik, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioners have approached this Court seeking protection of their lives and liberty.

According to the averments in the petition, the petitioners were in love with each other for more than one year. When the parents of petitioner No.1 came to know of this relationship, her father (respondent No.5) married her off forcibly with respondent No.8 on 28.2.2020. The said respondent is allegedly a drunkard and beats petitioner No.1 regularly. The petitioners decided to run away together and are presently in live-in-relationship, which has been accepted by parents of petitioner No.2. However, fearing for their lives and liberty at the hands of the private respondents, they filed a representation dated 2.7.2020 (Annexure P-5) before respondent No.2, but no action has been taken thereupon till date.

Notice of motion.

Mr. Deepak Bhardwaj, DAG, Haryana, accepts notice on behalf of respondents No.1 to 4 and waives service.

Mr. Raj Kapoor Malik, Advocate, puts in appearance on behalf of private respondents and waives service.

Learned counsel for the private respondents submits that an FIR has already been got registered against petitioner No.2 for kidnapping petitioner No.1. Since, earlier marriage of petitioner No.1 is subsisting, there cannot be a subsequent valid marriage. Thus, the petition deserves to be dismissed.

The claim of the petitioners is for protection as they are living in sin out of their own free will. Both the petitioners are above 18 years of age and this factum has not been denied by learned counsel for the private respondents. Being major, they are entitled to live their lives in accordance with their wishes and they cannot be threatened with their lives or forced to live separately especially when the parents of petitioner No.2 have no objection. Thus, their lives and liberty need to be protected.

Respondent No.2 is thus, directed to objectively consider the representation dated 2.7.2020 (Annexure P-5) and to provide necessary protection to the petitioners, in case found necessary, within a period of seven days from the date of receipt of a certified copy of this order.

It is clarified that this order has been passed only for protection of lives and liberty of the petitioners. If, either of the petitioners have incurred any civil/criminal liability, they shall face the consequences. Any pending civil/criminal proceedings shall also continue.

10.7.2020

Ramandeep Singh

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No